IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23639 of 2004

Between:

Smt.M.Venkayamma W/o.Thirupathaiah
Savalyapuram Mandal, Guntur District.

..... PETITIONER

AND

1 The Joint Collector Guntur, Guntur District.
2 The Revenue Divisional Officer Narasaraopet, Guntur District.
3 The Mandal Revenue Officer Savalyapuram Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ order or direction declaring the impugned Proceedings Rc.No.2053/2004-B dated: 2.11.2004 on the file of the Revenue Divisional Officer, Narasaraopet, as illegal, arbitrary and violative of Principles of natural justice and pass such other orders as deemed fit and proper in the facts and circumstance of the case .

Counsel for the Petitioner: MR.D.KRISHNA MURTHY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorisation of the petitioner was suspended by the second respondent through his order said to have been passed on 02-11-2004. The petitioner claims that she preferred an appeal before the first respondent, together with an application for stay, and alleges that no orders have been passed so far by the first respondent.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

This is the second round of litigation by the petitioner. On an earlier occasion, her authorisation was suspended by the second respondent on 02-08-2004. She approached this Court by filing W.P.No.14531 of 2004 stating that though she filed an appeal before the first respondent together with an application for stay, no orders have been passed thereon. This Court disposed of the writ petition on 17-08-2004 directing that the petitioner shall be continued as dealer till the first respondent disposes of the appeal. The present order of suspension is on the basis of a different allegation, particularly about the distribution of 450 liters of kerosene oil.

The learned Government Pleader for Civil Supplies, on instructions, submits that the petitioner did not prefer an appeal by the time she filed W.P.No.14531 of 2004 and there was a clear mis-statement of facts.

The learned counsel for the petitioner submits that such an appeal was preferred by the petitioner and there is any amount of controversy in this regard.

Be that as it may, the allegation against the petitioner is serious in nature and

a detailed reference is made to the enquiry undertaken by the local officials in this regard. Hence, this Court is not inclined to pass any interim orders against the impugned order, at this stage.

Hence, the writ petition is disposed of directing the first respondent to pass appropriate orders either in the appeal or in the stay petition filed against the present order of suspension, as early as possible, not later than four weeks from the date of receipt of a copy of this order. No order as to costs.

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27-12-2004

Note: Issue C.C. by one week

(B/o)

kdl

To

1 The Joint Collector Guntur, Guntur District.
2 The Revenue Divisional Officer Narasaraopet, Guntur District.
3 The Mandal Revenue Officer Savalyapuram Mandal, Guntur District.

4 Two C.Cs. to the Government Pleader for Civil Supplies, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.